



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,964	09/19/2001	Kazuo Shiota	2091-0245P	9017
2292 7590 05/22/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER FELTEN, DANIEL S	
			ART UNIT 3693	PAPER NUMBER
			NOTIFICATION DATE 05/22/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 09/954,964	Applicant(s) SHIOTA ET AL.	
	Examiner Daniel S. Felten	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,5,28,29 and 49-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,5,28,29 and 49-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/28/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt of amendment filed April 20, 2005 is acknowledged. Claims 3, 5, 28, 29 and 49-64 are pending. Claims 3, 5, 28, 29, 49 and 55 are amended, 1, 2, 4, 6-27 and 30-48 are cancelled and claims 61-64 are added.

Response to Arguments

2. Applicant's arguments filed April 20, 2005 have been fully considered but they are not persuasive. See rejections below.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on March 28, 2007, December 22, 2006 and October 17, 2006 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 28, 29 and 49-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enconmoto et al (US 5,974, 401) in view of Mayle et al (US 6,018,774)

Art Unit: 3693

Enomoto discloses a network photograph service system (see fig. 1, digital print ordering system) having at least one laboratory server 12 (photofinisher/photo-lab) installed in one of a plurality of laboratories (see fig. 1, col. 5, II. 57-65), picture printers 15-17 (see fig. 1, digital printers, 15, 16, col. 3, II.13-40) communicating via a network 23, (see fig. 1); as in claim 2, wherein the database further includes a function of transmitting information to the laboratory server 12 regarding one of plurality of templates specified by a request to the laboratory server when printing service process using the using the template is requested by a customer (see col. 61 II. 10-18), and wherein the laboratory server generates a processed print using the template, based the transmitted information (see col. 5, II. 66 to col. 6, II.42, particularly col. 6, II. 10-18),

Enomoto discloses a database 24 that is connected with the laboratory server a plurality of templates specified by a request to the laboratory server when printing service process using the template is requested by a customer (see col. 5, II. 66 to col. 6, II.42, particularly col. 6, 10-18). Enomoto fails to disclose a central server. Mayle discloses a central server (web server) that can be used to transmitted digital photography over a network (see Mayle col. 4, IIo 6-50). It would have been obvious for an artisan at the time of the invention of to recognize the advantage of the internet to provide a mode of remotely exchanging electronic/digital information. One of ordinary skill in that art would also know that the Internet is connected by servers which supply digital information and/or servers to users. Since Enomoto contemplates the use of a network 23 to remotely exchange electronic information, it would have been obvious to modify Enomoto with the server and network Mayle so as to exchange electronic information over a widely used

Art Unit: 3693

network. Thus such a modification would provide convenience to the user to remotely exchange electronic/digital images and other electronic information as well as remotely provide various services. Thus such a modification would have been considered an obvious expedient well within the ordinary skill of the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel S Felten

Examiner

Art Unit 3693

DSF

05/10/2007